

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**IN THE MATTER OF SEABULK TOWING                   \***  
**SERVICES, INC., as Owner and Operator of       \***  
**M/V MOBILE POINT, Praying for Exoneration \*   CIVIL ACTION NO. : 06-0176-CG-B**  
**from and/or Limitation of Liability               \***  
**\***

**AMENDED ORDER APPROVING COMPLAINANT'S DECLARATION OF VALUE,  
AD INTERIM STIPULATION AND SECURITY FOR VALUE AND DIRECTING THE  
ISSUANCE OF NOTICE TO CLAIMANTS AND RESTRAINING PROSECUTION OF  
CLAIMS**

Complainant, Seabulk Towing Services, has moved to amend this court's order of March 24, 2006 entitled "Order Approving Complainant's Declaration of Value, Ad Interim Stipulation and Security for Value and Directing the Issuance of Notice to Claimants and Restraining Prosecution of Claims." (Doc. 7). Notice to claimants was inadvertently not published in the Mobile Press Register on April 5, 2006 as scheduled. As a result, the date by which all persons must file their respective claims must be extended. Complainant's motion for amended order (Doc. 7) is GRANTED and the order is hereby amended as follows:

A complaint having been filed herein on the 23<sup>rd</sup> day of March, 2006, by Seabulk Towing Services, Inc. ("Seabulk"), as owner and operator of the vessel M/V MOBILE POINT, for exoneration from or limitation of liability pursuant to 46 U.S.C. §183 et seq. and Rule F of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure for any loss, damage, destruction, injury or claim caused by or resulting from the alleged breaking away of the MOBILE HEAVY LIFTER on or about August 29, 2005, as more fully described in the Complaint, and Seabulk having filed a Declaration of Value of the said

vessel and pending freight, and having filed approved security therefor and for costs, all as required by the rules of this Court and the law;

NOW, THEREFORE, upon motion of counsel for Seabulk:

I.

**IT IS ORDERED** that the declaration for value and the security for value of Complainant's interest in the vessel M/V MOBILE POINT and freight pending at the conclusion of the voyage in the amount of ONE MILLION ONE HUNDRED FORTY ONE THOUSAND FIVE HUNDRED FIFTY ONE and 00/100 DOLLARS (\$1,141,551.00), with interest thereon at the rate of six percent (6%) per annum from the date thereof and for costs, which security has been filed with the Court in the form of an Ad Interim Stipulation signed by Seabulk and its surety, The West of England Ship Owners Mutual Insurance Association (Luxembourg)("West of England") and a Letter of Undertaking issued by West of England, dated March 23, 2006, be and hereby is accepted as security for purposes of the limitation proceeding and the vessel M/V MOBILE POINT plus pending freight and approved as to form, quantum and surety.

II.

**IT IS FURTHER ORDERED** that any claimant who may properly become a party hereto may contest the amount or value of Complainant's interest in the vessel, as fixed in said Declaration, and may move the Court for due appraisal of said interest, and may apply to have the amount increased or diminished, as the case may be, on determination of the Court of the amount or value of said interest.

III.

**IT IS FURTHER ORDERED** that a notice shall be issued out of and under the seal of this Court to all persons asserting claims with respect to which the Complainant seeks

exoneration or limitation, admonishing them to file their respective claims with the Clerk of Court, in writing, and to serve on Complainant's counsel Brian P. McCarthy a copy thereof on or before June 2, 2006, or be defaulted, and if any claimant desires to contest the right to exoneration from or the right to limitation of liability, he shall file and serve on the attorney for Complainant an Answer to the Complaint on or before the said date, unless his claim has included an Answer to the Complaint, so designated, or be defaulted.

IV.

**IT IS FURTHER ORDERED** that the aforesaid notice shall be published in the form required by Supplemental Rule F of the Federal Rules of Civil Procedure once per week for four successive weeks prior to the date fixed for the filing of such claims in the Mobile Register, 401 North Water Street, Mobile, AL 36602, and copies of the notice shall also be mailed in accordance with Supplemental Rule F.

V.

**IT IS FURTHER ORDERED** that the commencement and/or further prosecution of any action or proceeding against Seabulk or any of its property, including the vessel M/V MOBILE POINT, and any of the insurers of Complainant or said vessel with respect to any claim for which Complainant seeks exoneration from or limitation of liability, including any claim arising out of or connected in any way with any loss, damage, injury or destruction resulting from the incident described in the Complaint, be and the same is hereby stayed and restrained, and all prior orders, rulings or decrees issued in conjunction with any heretofore filed suits or claims be stayed and restrained until the hearing or determination of this proceeding.

VI.

**IT IS FURTHER ORDERED** that Complainant may make service of this order as a restraining order through the United States Post Office by mailing a conformed copy thereof to the person or persons to be restrained or their respective attorneys, or alternatively, by hand delivery.

**DONE and ORDERED** this 6th day of April 2006.

/s/ Callie V. S. Granade  
CHIEF UNITED STATES DISTRICT JUDGE